



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

May 20, 2019

David Concannon, Esq.
Explorer Consulting
100 Sun Valley Rd., Box 329
Sun Valley, ID 83353
Via e-mail: david@davidconcannon.com

Re: OceanGate Expeditions, Ltd.'s 2019 *Titanic* Survey Expedition

Dear Mr. Concannon:

Based on your April 29 letter to David Alberg (NOAA) and your April 1, 2019 letter to Judge Rebecca B. Smith, I understand that OceanGate Expeditions, Ltd. ("OGE") takes the position that it "has already provided more information than is legally required to both the U.S. District Court [for the Eastern District of Virginia] and NOAA" with regard to its six week-long "missions" to *Titanic* in 2019. You have also indicated that OGE intends to conduct multiple missions over several years to fully document and model the wreck.

NOAA understands the value in documenting and modeling the wreck, and making such information publicly available. However, NOAA remains uninformed regarding, among other things, how OGE's missions will be conducted (e.g., OGE has not indicated whether its operations will solely be outside the actual wreck or whether it intends to explore and survey inside the wreck) or the qualifications of individuals involved. As such, NOAA is concerned that individual and/or consecutive missions over the course of several years could alter or disturb the wreck or wreck site. Without additional information, we are unable to conclusively determine whether a Section 113 authorization is required.

For OGE's awareness, NOAA handles requests for agency records under the Freedom of Information Act (FOIA) (5 U.S.C. §§ 552 *et seq.*) and the Privacy Act (5 U.S.C. §§ 552a *et seq.*) in a manner consistent with these laws and the Department of Commerce regulations on the Disclosure of Government Information. 15 C.F.R. Part 4. FOIA Exemption (b)(4) applies to trade secrets and commercial or financial information that is privileged or confidential. NOAA will not disclose information if it qualifies for exemption from disclosure under FOIA. *See* 15 C.F.R. § 4.9. NOAA also seeks to protect personally identifiable information affecting an individual's privacy in accordance with FOIA Exemption (b)(6).

Consistent with NOAA's past implementation of Section 113, NOAA will continue to notify the U.S. District Court for the Eastern District of Virginia of any projects that may require a Section 113 authorization.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackie Rolleri".

Jackie Rolleri
Office of the General Counsel
Oceans and Coasts Section
National Oceanic and Atmospheric Administration

cc: Kent Porter, DOJ